

GUIDELINES

FOR LOCAL PARTICIPATION



Iowa Department Of Natural Resources
Jeffrey R. Vonk, Director
2005

GUIDELINES

FOR LOCAL PARTICIPATION

LAND AND WATER CONSERVATION FUND

Thirteenth Edition
2005

IOWA DEPARTMENT OF NATURAL RESOURCES
BUDGET AND FINANCE BUREAU
WALLACE STATE OFFICE BUILDING
502 EAST NINTH STREET
DES MOINES, IOWA 50319-0034

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FORWARD

This booklet has been prepared to assist potential grant applicants, planning agencies, and planning consultants in preparing applications for federal assistance from the Land and Water Conservation Fund. It makes no attempt to cover all aspects of the LWCF program; but it does attempt to cover the major items of interest and concern to most applicants. Any unanswered questions concerning the program should be directed to:

Budget and Finance Bureau
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
515-281-3013

Thirteenth Revision
2005



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LAND AND WATER CONSERVATION FUND

GUIDELINES FOR LOCAL PARTICIPATION

INTRODUCTION

The Land and Water Conservation Fund Act (LWCF), signed into law September 4, 1964, provides federal financial assistance to the State of Iowa and its political subdivisions for the purpose of acquisition and/or development of land for outdoor recreation. The LWCF program is administered by the National Park Service (NPS). The Iowa Department of Natural Resources (DNR) administers the program at the state level. State Administrative Rules and Federal General Provisions for the program are included in this application, read both carefully before applying.

Funds are provided to the states and passed to political subdivisions in the form of 50 percent reimbursement grants. Reimbursements are made on all eligible expenditures up to the amount of the approved grant. Financial assistance through the Land & Water Conservation Fund is authorized through the year 2014.

The following two lists describe the types of eligible and ineligible projects for LWCF program funding.

CONTROL AND TENURE OF PROJECT SITES

The grant applicant must have physical control of the project site by fee title in order for the project to be eligible. Land being acquired by contract purchase will not be eligible for development assistance until the fee title has been obtained. **The applicant is responsible for the maintenance of the site in perpetuity.**

Prior to the final billing, a "Notice of Use Restriction" will be required to be recorded with the respective county recorder. The restriction is a legal document which attaches to the title of the project site and halts the sale or conversion of the subject site/property prior to National Park Service review and approval. Upon approval of the National Park Service, a grantee may enter into a "conversion of use" by changing the boundaries, or selling all or a portion of a project site, understanding that the sponsor is responsible for replacing all or the portion of the site with equal or greater value property. The replacement land may not already be used for outdoor recreation.

STATE HISTORIC PRESERVATION OFFICER (SHPO) SECTION 106

It is recommended that all LWCF applicants contact the State Historic Preservation Officer prior to submitting an application for LWCF funding to determine if a archeological survey is necessary for the site in which you are seeking federal funds. See the form provided in this application for more information. If selected for funding, all future disturbances at the park will also require Section 106 review and concurrence.

ELIGIBLE PROJECTS

- Observation and sight-seeing facilities; including hiking, biking, equestrian, cycle, snowmobile and nature trails.
- Picnic facilities, including open shelters.
- Camping facilities.
- Swimming facilities, including beaches, pools, bathhouses and related equipment.
- Winter sports facilities, including ski runs/lifts, outdoor skating rinks, tobogganing and sliding slopes, warming huts, etc.
- Playground equipment and outdoor sports facilities such as ball fields and game courts, golf courses, etc.
- Sport shooting areas for skeet, trap, rifle, pistol and archery.
- Lake and pond construction for boating, fishing and aesthetic purposes.
- Landscaping and plantings for wildlife food and cover.
- Renovation or redevelopment of existing facilities which have deteriorated or become outdated.
- Support facilities including roads, parking, signs, walkways, utility systems, lighting, restrooms, concession buildings, trailer dumps, fences, etc.

(Phased projects are eligible for funding and must be submitted as a new project for scoring each phase.)

INELIGIBLE PROJECTS

- Acquisition or development of areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
- Development of school “athletic plant” facilities.
- Construction of employee residences.
- Development of amusement facilities, convention facilities, and commemorative exhibits.
- Development of nature and geological interpretive facilities which go beyond interpreting the project site and its immediate surrounding area.
- Development of outdoor recreation and support facilities to be used exclusively by the handicapped.
- Acquisition, restoration or preservation of historic structures.
- Acquisition, construction or renovation of lodges, motels, and luxury or “nonaustere” cabins.
- Facilities at a zoo for the purpose of housing, caging, displaying or caring for animals.
- Acquisition of museums and sites to be used for museums.
- Mobile recreation units such as playmobiles, skatemobiles, swimmobiles, show wagons, puppet wagons, and porta-bleachers.
- Acquisition of areas and facilities to be used solely for game refuges or fish production purposes.

(No funds will be made available for the operation and maintenance of outdoor recreation areas and facilities.)

ELIGIBLE PROJECT COSTS

Reimbursements are made only on costs incurred and paid by the grantee during the project period as identified on the grant agreement. The only exception to this is on “pre-agreement planning costs”, which can include site investigation and selection, site planning, feasibility studies, preliminary design, environmental assessment, preparation of cost estimates, and construction drawings and specifications. The following are ineligible for reimbursement:

- Incidental costs incurred by the grantee relating to the acquisition of real property, such as appraisals, surveys and recording fees. (These are not to be confused with incidentals incurred by the property seller, which are eligible costs.)
- Taxes, such as a state sales tax, which the grantee would not have been liable to pay.
- Interest expenses.
- Cost of discounts not taken.
- Equipment to be used for the maintenance of outdoor recreation areas and facilities.
- Sport equipment such as bats, balls, etc.
- Donated labor, materials, and equipment use.
- Donated real property.
- Force account labor and equipment use (grantee’s own personnel and equipment).
- Cost overruns on an active project are not eligible for grant amendments.

WAIVER OF RETROACTIVITY

In cases involving extreme urgency of land acquisition, where a grant applicant needs to purchase land prior to the grant round, a grant applicant may request a “waiver of retroactivity,”. Waivers allow acquisitions of real property to take place immediately without jeopardizing a grant applicant’s chances for a future grant. Approval of a request for a waiver **in no way implies or guarantees** that any future grant application covering the acquisition will be awarded a grant by the department. Grant applicants must formally request a waiver of retroactivity through the department to the National Park Service. Requests will include the following information:

- adequate justification regarding the urgency of the acquisition;
- an environmental impact assessment;
- a boundary/location map, instructions enclosed.

The grant applicant has one federal fiscal year to submit an application for funding.

OPERATION AND MAINTENANCE STATEMENT

On a five year basis, grantees will be required to complete and sign/date an Operation and Maintenance Statement and a Post-Completion Inspection Certification Report. Both are required to ensure that property and development for which these federal funds are provided will not be converted to any other use than public outdoor recreation. Projects developed and lands acquired with this program will be held in perpetuity. If a portion or all of the project lands are converted to a use other than outdoor recreation, or a portion or all of the project land is sold or donated, a “conversion in use” has taken place, and those lands will have to be replaced.

CONVERSION OF USE

Section 6(f)(3) of the Land and Water Conservation Fund Act states: “No property acquired or developed with assistance under this section shall, without the approval of the secretary, be converted to other than public outdoor recreation uses. The secretary shall approve such conversions only if he/she finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he/she deems necessary to assure the substitution of other recreational properties of at least equal fair market value and of reasonably equivalent usefulness and location.”. 6(f)(3) Conversion of Use, Examples:

- The sale or trade of all or a portion of land acquired and/or developed with LWCF assistance.
- The construction of non-outdoor recreational facilities (such as roads/streets, libraries, city halls, fire/police stations, community centers, senior citizen centers) on properties acquired and/or developed with LWCF assistance.

Under all circumstances, approval for any sale or exchange of land or for any non-outdoor recreation development must be obtained before any work can/has commenced.

PROGRAM INCOME

Any nonrecreational income derived from a project site and earned during the project period must be credited to the project on the next reimbursement request following receipt of the income. Nonrecreational income includes the sale of natural products such as timber, gravel, farm crops and rental fees. Income from the sale of buildings acquired with LWCF assistance must be credited or reimbursed no matter when the sale occurs.

ADVERTISING FOR BIDS

A grantee is required to submit proposed bid documents to the Budget and Finance Bureau before advertising for bids. Bid documents will be reviewed for Civil Rights compliance and Section 504, Americans with Disabilities Act, compliance. No formal review of design will be made. The grantee must have approval from this office before advertising for bids. Copies of the bid advertisement, bid reviews and awarded contracts over \$25,000 must be submitted to the Budget and Finance Bureau.

The Iowa Department of Natural Resources seeks, under the provisions of the Iowa Targeted Small Business Procurement Act of 1986 and the Iowa Administrative Code, to provide opportunities for Targeted Small Businesses (TSB) in the awarding of contracts. The Department has established a TSB contract goal of 10% of all Department contracts. Not only is it a requirement that you solicit to TSB's, it is the Departments desire that as a grantee, you set a similar goal for your political subdivision.

AUDIT REVIEW

The DNR is required to review any grantee's audit if over \$25,000 of LWCF dollars are received by the recipient. All grantees will agree to submit audits to the Budget and Finance Bureau as soon as the audits are completed.

ENVIRONMENTAL INFORMATION

Provisions of the National Environmental Policy Act of 1969 (P.L. 91-190) are applicable to the LWCF program. One requirement of the Act is for an environmental impact statement to be prepared for any project which will have a significant impact on the environment. Any such statement will be prepared by the NPS, but in order for the NPS to determine if one will be required, it will be necessary for the applicant to provide adequate environmental information in Items 1-3, Part III of the application.

Whenever possible, impacts should be quantified (i.e., number of acres of trees to be removed, cubic yards of fill to be required, number of acres of land to be inundated, whether temporary during construction or permanent impact, etc.). A few suggestions follow:

- Keep the environmental information free of project justification and personal bias. The project presumably is fully justified elsewhere in the application documentation.
- Do not rely on generalities. The specific facts are essential. General statements and all allegations should always be supported and quantified where possible.
- Writing style should be kept clear and concise. Adverse impacts should be addressed as fairly as the beneficial impacts.

Overhead utility lines constitute a major detraction from the natural quality of many outdoor recreation areas and should be eliminated where possible. LWCF assistance will be available to bury, screen, or relocate existing overhead lines where such lines visibly intrude upon the site's character. Applicants are encouraged to include such improvements as a part of the overall project. All new utility lines under 15KV and telephone wires must be placed underground on project sites. In no case shall mass recreation use areas (swimming, picnicking, etc.) be located under utility lines.

IOWA ADMINISTRATIVE RULE

CHAPTER 27

LAND AND WATER CONSERVATION FUND

GRANTS-IN-AID PROGRAM FOR LOCAL ENTITIES AND STATE PROJECTS

571--27.1(107) Purpose. The purpose of the federal Land and Water Conservation Fund, hereinafter referred to as the LWCF, is stated in section 1(b) of the Land and Water Conservation Fund Act of 1965, as amended (78 stat. 879):

“The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing federal assistance to the states in planning, acquisition, and development of needed land and water areas and facilities and (2) providing fund for the federal acquisition and development of certain lands and other areas.”

Section 6 of the Act contains the basic requirements and conditions for fulfilling the above:

“The Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to provide financial assistance to the states from moneys available for state purposes. Payments may be made to the states by the Secretary as hereafter provided, subject to such terms and conditions as he/she considers appropriate and in the public interest to carry out the purposes of this act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interest in land or waters, or (3) development.”

Section 6 of the Act further provides that:

“If consistent with an approved project, funds may be transferred by the state to a political subdivision or other appropriate public agency.”

The Iowa Department of Natural Resources, hereinafter referred to as the department, acting through its director, will administer the LWCF for the same purpose at the state and local levels.

571--27.2(107) Apportionment distribution.

27.2(1) Iowa Apportionment. The state expects to receive an annual apportionment from the LWCF. This annual apportionment, after deducting any amount necessary to cover the department's costs of administering the program and state outdoor recreation planning costs shall be divided into two shares for state and local entity grants with the local entity share being not less than fifty percent.

27.2(2) Local share. The local share of the annual LWCF apportionment shall be available for local entity grants on an annual basis.

571--27.3(107) Eligibility requirements. The following eligibility requirements shall apply to local entities.

27.3(1) Participation in the LWCF shall be limited to county conservation boards and incorporated cities.

27.3(2) A local entity shall be assessed outdoor recreation supplies, demands and needs and shall have allowed for input by affected citizens within the service area of any proposed project and project applications shall include documentation of these planning processes.

27.3(3) Rescinded, effective 12/29/82.

571--27.4(456A) Assistance ceiling. Local entities are eligible to receive annual assistance from the LWCF in accordance with the following schedule:

Population of Area of Jurisdiction	LWCF Assistance Ceiling
0 - 1,000	\$50,000
1,001 - 5,000	75,000
5,001 - 10,000	100,000
10,001 - 25,000	125,000
25,001 - 50,000	150,000
50,001 - 75,000	175,000
over - 75,000	200,000

Exceptions to the above limits: The maximum grant for local entities with populations in excess of 25,000 shall be \$125,000 for any swimming pool or golf course project. The maximum grant limit for local entities with populations of up to and including 10,000 shall be \$125,000 for any land acquisition project.

The assistance ceiling may be waived upon approval by the director under the following circumstances:

1. The project being proposed by LWCF assistance is regional in nature or is expected to serve a minimum of 100,000 people.

2. The proposed project can not be staged over a multi-year period so that a separate grant application might be submitted each year.

No grant shall be approved which exceeds the allotment for the review period.

571--27.5(456A) Grant application submission.

27.5(1) Form of application. Grant applications for both state and local projects shall be on forms and following guidelines provided by the department. Projects selected for funding with land and water conservation assistance must be in accordance with state comprehensive outdoor recreation plan (SCORP) priorities.

27.5(2) Application timing. The following information applies to local projects only. Grant applications and amendment requests which increase the existing grant amount shall be reviewed and selected for funding on an annual basis as provided in subrule 27.2(2). Annual reviews shall be held in April. Applications must be received in acceptable form by the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, by the close of business on the work day closest to the fifteenth day of March.

27.5(3) Local funding. An applicant shall certify that it has committed its share of project costs. Cash donations must be on deposit and a bond issue must have been passed by the electorate if such passage is necessary if either or both is a source of local funding.

27.5(4) Development project application. An application for a development project grant shall include development on only one project site or area with the exception that an application may include development of a like nature only on several sites (e.g. tennis courts).

27.5(5) Application timing. The following applies only to state projects. Applications will be reviewed annually in April. Grant applications and amendment requests exceeding ten percent of the original grant amount will be due in the budget and grants bureau of the department on March 15 or the closest working day thereto.

27.5(6) Application acceptance. Applications for state projects will be accepted from the Iowa Department of Natural Resources and any other state agency who submits an eligible project application.

571--27.6(456A) Project review and selection.

27.6(1) Review and selection committee. A five-member review and selection committee, hereinafter referred to as the committee, composed of the three staff members of the department as appointed by the director of the department, one member appointed by the director with input from the

Iowa Association of County Conservation Boards, and one member appointed by the director of the department with input from the Iowa League of Cities and the Iowa Parks and Recreation Association, shall determine which grant applications and amendment requests shall be selected for funding at the local level. A review and selection committee for state projects shall be composed of four staff members of the department as appointed by the director.

27.6(2) Consideration withheld. The committee will not consider any application which, on the date of the selection session, is not complete, or for which additional pertinent information has been requested and not received.

27.6(3) Application rating system for local projects. The committee will apply a numerical rating system to each grant application which is considered for fund assistance. The following criteria, with a weight factor for each, will be considered:

	Weight Factors
Relationship to SCORP Priorities	5
Direct Recreation Benefits	1
Local Need	1
Quality of Site	1

Each criterion will be given a score of from 1 to 10 which is then multiplied by the weight factor. The following additional criteria will be considered in the rating system:

a. Prior assistance. Any applicant that has never received a grant will be given a bonus of five points. Any applicant that has received prior assistance which is more than its fair share will be assessed penalty points. Fair share will be computed by dividing fifty percent of Iowa's total apportionment from the LWCF by the total state population and multiplying this amount by the population of the applicant agency. Penalty points will be assessed in accordance with the following schedule:

Prior Assistance in Excess of Fair Share	Penalty Points
0 to \$ 2.50 per capita	0
\$ 2.51 to 12.50 per capita	1
12.51 to 22.50 per capita	2
22.51 to 32.50 per capita	3
32.51 to 42.50 per capita	4
over 42.50 per capita	5

b. Bonus points. Additional points will be added to the total score for the following:

(1) Projects which have special features for the elderly and handicapped above the normal access requirements for this population will receive three points.

(2) Projects which include the use of recycled content materials will receive two points.

(3) Projects which serve an area of greater minority population than the state average of 2.6 percent as follows:

Minority population greater than	3.5 percent 1 point
	4.0 percent 2 points
	4.5 percent 3 points
	4.0 percent 2 points
	4.5 percent 3 points

27.6(4) Application rating system for state projects. The committee will apply a numerical rating system to each grant application which is considered for fund assistance. The following criteria, with a weight factor assigned for each, will be considered:

Criteria	Weight Factor
SCORP Priority	4
Quality of Site	1
Renovation/Rehabilitation Project	1
Direct Recreation Benefits	1

Each criterion will be given a score from 0 through 10, which is then multiplied by the weight factor. Additional points will be added to the total score for the following:

Projects which have special features for the elderly and handicapped above the normal access requirements for this population - will receive three points.

Projects which include the use of recycled content materials will receive two points.

Projects which will serve an area of greater minority population than the state average of 2.6 percent as follows:

Minority population greater than:	
3.5 percent	1 point
4.0 percent	2 points
4.5 percent	3 points

157--27.7(456A) Public participation. All regional planning agencies will be advised of the time and place of review sessions. Written comments will be accepted prior to each review session. A time period for public comment will be allowed immediately prior to each review session.

Potential applicants will be advised of any changes in the project evaluation and selection processes and criteria; but in any event, state agencies, regional planning agencies, county conservation boards and the Iowa League of Cities, will be advised of the availability of program funding at least once every two years.

571--27.8(107) Commission review. The natural resource commission will review all committee recommendations each review period at the next following commission meeting. The commission may reject any application selected for funding or approve any application not selected by the committee.

571--27.9(107) Federal review. All applications selected for fund assistance shall be submitted to the administering federal agency for final review and grant approval.

571--27.10(107) Grant amendments. Projects for which grants have been approved may be amended to increase or decrease project scope or to increase or decrease project cost and fund assistance. Amendments to increase project cost and fund assistance due to cost overruns will not be approved for any project for which a grant is approved after October 1, 1978. A percentage of each year's appropriation may be reserved for amendments.

571--27.11(456A) Timely commencement of projects. Grantees are expected to carry out their projects in an expeditious manner. Projects for which grants are approved by the administering federal agency between January 1 and May 31 shall be commenced during the same calendar year. Projects for which grants are approved by the administering federal agency between June 1 and December 31 shall be commenced by June 1 of the following year. Failure to do so may be cause for termination of the project and cancellation of the grant.

571--27.12(107) Project period. A project period which is commensurate with the work to be accomplished will be assigned to each project. Project period extensions will be granted only in a case of extenuating circumstances.

571--27.13(107) Reimbursements.

27.13(1) Grant amount. Grantees will be reimbursed fifty percent of all eligible costs incurred on a project up to the amount of the grant.

27.13(2) Project billings. Grantees shall submit billing for reimbursements on forms provided by the department.

27.13(3) Project billing frequency. No more than two project billings plus a final project billing shall be allowed.

27.13(4) Final project billing. A final project billing shall be submitted within ninety days following the end of a project period. Failure to do so may be cause for termination of the project with no further reimbursement to the grantee.

27.13(5) Documentation. Grantees shall provide documentation as required by the department to substantiate all costs incurred on a project.

27.13(6) Reimbursement withheld. Ten percent of the total reimbursement due any grantee for a development project will be withheld pending a final site inspection or until any irregularities discovered as a result of final inspection have been resolved.

571--27.14(107) Ineligible items. The following items are ineligible for assistance from the LWCF.

27.14(1) Donated labor, materials and equipment use.

27.14(2) Force account labor and equipment use. (A grantee's own personnel and equipment.)

27.14(3) Donated real property.

571--27.15(107) Recordkeeping and retention. A grantee shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs. These records shall be available for audit by appropriate personnel of the department, the state auditor's office and the U.S. Department of the Interior.

These rules are intended to implement Iowa Code sections 107.29 to 107.35.

THE GRANT APPLICATION PROCESS

Remove the remainder of this booklet to use as your application for federal assistance in the Land and Water Conservation Fund Program.

Submit one original and four copies of the application by 4:30 PM, March 15 or the closest working day, each year.

APPLICATION CONTENT:

- 1. REQUEST FOR STATE HISTORIC PRESERVATION OFFICER (SHPO) COMMENT**
SHPO 106 review is recommended prior to applying for LWCF. See attached form and contact SHPO at 515-281-8743 for more information.
- 2. Project Proposal, Three Parts**
 - Part I Proposal Request (form provided)
 - Part II Proposal Land Acquisition Schedule (form provided)
 - Part III Proposal Narrative Outline (outline provided)
- 3. Project Resolution** (one, form provided - presented to and certified at City Council or County Board Meeting prior to proposal submission)
- 4. Land Acquisition History for Development Projects** (form provided)
- 5. Maps** (two originals required, directions provided)
- 6. General Provisions** (form provided, read Section III, General Provisions. Read section, complete, sign and include pages 26-28 with application.)

SPECIAL AND/OR LARGE PROJECTS The following are required:

- 1. Proposed Buildings.** Five copies of all perspective views and floor plans are required for each proposed building. Include handicapped accessibility routes and features per federal laws and regulations.
- 2. Water Impoundments.** One copy of a feasibility report for any water impoundment must be submitted with your application.
- 3. Sanitary and/or Waste Facilities.** Five copies of a letter of approval must be obtained for Sanitary and/or Waste Facilities (shower/latrine buildings, septic systems, lagoons and trailer dump stations) which will not be connected to an existing sewer system. Letters of approval are obtained from the county or municipal health officer.
- 4. Swimming Pools.** Pool plans require approval from Iowa Department of Public Health.
- 5. Dredging and Filling.** Two copies of "404" permits, Dredging or Filling, must be obtained from the Corps of Engineers for any dredging or filling done on navigable waters.

REQUEST FOR SHPO COMMENT ON A PROJECT

Submit one copy with each property for which our comment is requested. Please print or type.

Return to: Kathleen Moench, IDNR, Wallace State Office Building, Des Moines, IA 50319

- I. GENERAL INFORMATION**
- ☐ This is a new submittal
☐ This is more information relating to SHPO R&C #: _____
- a. Property Name: _____
- b. Property Street & Number: _____
- c. County: _____ City: _____ Zip: _____
- d. Federal Agency: _____ Federal Funding Program/Permit: _____
- e. Agency Project No.: _____ If HUD, circle one: 24 CFR Part 50 or Part 58
- f. Contact Person on Project: _____ Phone: _____
- g. Contact Address: _____ Zip: _____ email: _____

- II. IDENTIFICATION OF HISTORIC PLACES**
- ☐ As agreed in programmatic or other agency agreements with SHPO (if applicable)
- ☐ Includes the attached elements required under 36 CFR 800.4(a)
- 1) Area of potential effects, as defined in 800.16(d), is shown on map
 - 2) Existing information has been reviewed on historic properties in the property area at SHPO office and/or other locations of inventory data
 - 3) Information has been sought from parties likely to have knowledge about historic properties in the project area
 - 4) Information gathered from Indian tribes, as appropriate
- ☐ An attached Iowa Site Inventory form is completed for each building 50 years of age or older
- ☐ Yes ☐ No The project will involve excavation
If yes, submit all of the following information (use attachments of necessary)
- 1) Precise project location map (preferably U.S.G.S. 7.5 min Quad with name, date, & location)
 - 2) Site plan showing limits of proposed excavation
 - 3) Number of acres in project _____
 - 4) Legal location: Section(s) _____ Township(s) _____ Range(s) _____
 - 5) Description of width and depth of proposed excavation and current conditions of project area

III. APPLICANT CERTIFICATION (Check Either Adverse Effect or No Adverse Effect for Historic Property Affected category)

Findings (Check One)

- ☐ **No historic properties will be affected** (i.e., none are present or there are historic properties present but the project will have no effect upon them) and adequate documentation under 800.11 is provided, including:
- 1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary **and**
 - 2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to 800.4(b) **and**
 - 3) The basis for determining that no historic properties are present or affected.

I understand that the SHPO has 30 days from receipt to object to the finding, after which the applicant's responsibilities under Section 106 of the Historic Preservation Act are fulfilled.

- ☐ **An historic property will be affected** for which documentation is provided as required in 36 CFR Part 800.11(e) and, in applying the criteria of adverse effect under 800.5, propose that the project be considered to have **(Check One)**:
- ☐ A **No Adverse Effect** under which, in consultation with the SHPO, the project will be modified or conditions imposed to avoid adverse effects. I understand that failure of the SHPO to provide a dated response within 30 days from receipt to the finding shall be considered agreement of the SHPO with the finding
- ☐ An **Adverse Effect** is found and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect under 800.6

Federally Authorized Signature: _____ Date: _____
 Type name below →

- ☐ Agree with the finding in section III above (move to reader's file) ☐ See attached follow-up letter
- ☐ Object to the finding for reasons indicated in attached letter
- ☐ Cannot review until information is sent as follows: _____

Authorized Signature: _____ Date: _____

IOWA DEPARTMENT OF NATURAL RESOURCES

Wallace State Office Building
Des Moines, Iowa 50319-0034

**LAND AND WATER CONSERVATION FUND
PROJECT PROPOSAL**

Part I

APPLICANT AGENCY: Contact Person: _____ Title: _____ Street/PO Box: _____ City/Zip Code: _____ Telephone #: _____ Federal ID #: _____	TYPE OF PROJECT: Acquisition: _____ * Development: _____ Combination: _____ * * Complete Part II of Application.
PROJECT TITLE: _____	ESTIM. STARTING DATE: _____
TOTAL PROJECT COST: \$ _____ Breakdown of Project Costs Total Federal Share: \$ _____ Total Local Share: \$ _____ SOURCE: Appropriations: \$ _____ Bonds: \$ _____ Tax Levies: \$ _____ Donations: \$ _____ Other (Explain): \$ _____	ESTIM. COMPLETION DATE: _____ PREVIOUS LWCF GRANTS ON PROJECT SITE? Yes * _____ No _____ * List Project Numbers:
OWNERSHIP OF PROJECT SITE: Date Project Site was Acquired: _____ (For Development Projects Only) If after January 2, 1971, was acquisition in compliance with Public Law 91-646? Yes _____ No _____ (Uniform Relocation Assistance Act of 1970)	
SIGNATURE: _____ TITLE: _____	
By signing this proposal, the applicant agrees to the Federal terms and conditions contained in this Application and the attached General Conditions.	

LAND AND WATER CONSERVATION FUND

PROJECT PROPOSAL
ENVIRONMENTAL IMPACT ASSESSMENT AND PROJECT NARRATIVE
Part III

Use the following outline for your project proposal narrative. Address each item thoroughly.

1. DESCRIPTION OF THE PROPOSED PROJECT:
 - A. Location of the Project Site (Two (2) signed and dated maps, to include legal description and acres - address each requirement as described on page 18 for maps).
 - B. Scope of the Proposed Project:
 - C. Purpose of Proposed Project:
 - D. Project Justification:
 - E. Environmental Mitigation:
 - F. Interrelationship with other Federal, State or Local Projects:
 - G. Relationship to Statewide Comprehensive Outdoor Recreation Plan (SCORP) - Available on DNR Website
2. DESCRIPTION OF THE ENVIRONMENT:
 - A. Of the Region:
 - B. On the Project Site:
 - C. Probable Future Environment of the Project Site and its Surroundings without Implementation of the Proposed Action:
 - D. Environmental Intrusions:
 - E. Historic - Archaeological - Architectural Features:
3. THE ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION (Both Positive & Negative, See Section I, page 5 of this Guideline Booklet):
4. PUBLIC PARTICIPATION IN FORMULATION OF PROJECT PROPOSAL:
5. CONSIDERATION GIVEN TO MINORITIES, ELDERLY AND HANDICAPPED:
6. RESERVATIONS OR EASEMENTS:
7. FACILITIES OR IMPROVEMENTS ON PROJECT SITE:
8. NON-RECREATIONAL USES ON PROJECT SITE:
9. AGREEMENTS OR ARRANGEMENTS TIED TO PROJECT SITE:

LAND AND WATER CONSERVATION FUND

PROJECT PROPOSAL

RESOLUTION ON ACQUISITION OR DEVELOPMENT
FOR OUTDOOR RECREATION

County: _____

WHEREAS, the _____ is interested in acquiring lands or developing outdoor recreational facilities on the following described project for the enjoyment of the citizenry of _____ and the State Iowa.

Project Title: _____
 Total Estimated Cost: \$ _____
 Brief Description of Project: _____

AND, Land and Water Conservation Fund financial assistance is required for the acquisition or development of said outdoor recreational facilities,

NOW THEREFORE, be it resolved by the _____ that the project described above be authorized,

AND, be it further resolved that said _____ make application to the Iowa Department of Natural Resources to seek Land and Water Conservation Fund financial assistance from the National Park Service in the amount of _____% of the actual cost of the project in behalf of said _____,

AND, be it further resolved that said _____ certifies to the following:

1. That it will accept the terms and conditions set forth in the NPS Grants-in-Aid Manual and which will be a part of the Project Agreement for any grant awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the acquisition and/or development in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the Iowa Department of Natural Resources.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said _____ for public outdoor recreational use.
4. That no financial assistance has been given or promised under any other federal program or activity with regard to the proposed project.
5. That it will not discriminate against any person on the basis of race, color, or natural origin in the use of any property or failure acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964), and of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.
6. That it will maintain adequate financial records on the proposed project to substantiate claims for cost-sharing.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of a resolution duly and legally adopted by the _____ at a legal meeting held on this _____ day of _____, 20____.

(signature)_____
(signature)_____
(title)_____
(title)

LAND AND WATER CONSERVATION FUND

PROJECT PROPOSAL

DEVELOPMENT ON LAND ACQUIRED WITHOUT FEDERAL ASSISTANCE
(DEVELOPMENT PROJECTS)

If park lands were acquired without federal assistance after January 2, 1971, one of the following criteria must be met in order to be eligible for federal LWCF assistance:

1. If the acquisition occurred within two years immediately preceding the date the grant application is submitted to the department, the applicant must provide documentation to prove that it complied with the provisions of P.L. 91-646 (Uniform Relocation Assistance) unless the applicant can provide documented evidence that at the time of acquisition, planning activity to obtain LWCF assistance had not been initiated.
2. If the acquisition occurred more than two years but less than five years immediately preceding the date the grant application is submitted to the department, the applicant must provide documentation to prove that it complied with the provisions of P.L. 91-646 unless the following certification can be provided by the head of the applicant agency as part of the project application:

I, _____, _____
(Print Name) (Print Title/Agency)

hereby certify, under penalty for willful misstatement (18 U.S.C. 1001) that at the time of the acquisition and last known displacement on the project lands for which this federal financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

(Signature)

(Date)

If the acquisition occurred more than five years immediately preceding the date the grant application is submitted to the department, no documentation regarding P.L. 91-646 need be provided unless the department or the National Park Service has evidence to indicate that at the time of the acquisition, the applicant had initiated planning activity to obtain the particular grant being applied for.

LAND AND WATER CONSERVATION FUND

PROJECT PROPOSAL

REQUIRED PROJECT MAPS

Project maps are one of the most important components of the Project Proposal. The maps will be used for inspection years after the project has been completed. For this reason, accuracy is crucial. Send a legal description of the boundary with your maps. The State will submit the signed and dated project boundary map to the National Park Service for approval.

REQUIRED MAPS - SEND TWO ORIGINAL COPIES OF EACH:

1. Dated Project Boundary Map
2. Tract Map (acquisition projects only)
3. Site Development Map (development projects only)
4. County Map with project location
5. City Map with project location

Both the Tract Map and Site Development Map can be incorporated into the Dated Project Boundary map as long as detail will not be lost.

<p>The following information is required for the Dated Project Boundary Map, Tract Map and Site Development Map:</p>

- | |
|--|
| <ol style="list-style-type: none"> 1. title of the project; 2. date of map preparation, certified by the grantee signature; 3. maps must be to scale, project boundary outlined, showing feet, acres, legal description of acres, section numbers and a directional arrow (example of an acceptable map and legal description is included); 4. show planned development for project site, color code existing and planned development; 5. show all tracts to be purchased (acquisition projects only); 6. show existing roads (include names), overhead utility lines or other environmental intrusions; 7. show existing land use of land adjoining project site; 8. show area(s) under lease(s) and term remaining on the lease(s); 9. show known outstanding rights and interests in the area held by others such as easements, deed/lease restrictions, reversionary interest, etc.; 10. show and identify adjoining bodies of water or other natural landmarks. |
|--|

At a minimum, the project area must be a viable public outdoor recreation area which is capable of being self-sustaining without reliance upon adjoining or additional areas not identified in the scope of the project. This area will be the park, open space or recreation area being developed, acquired, or added to. In no case would the areas covered by Section 6(f)(3) be less than that acquired with the LWCF assistance.

SAMPLE

January 12, 2001

Project: S.T. Morrison Land Swap

Legal Description for 2.415 acres acquired by the City of Coralville:

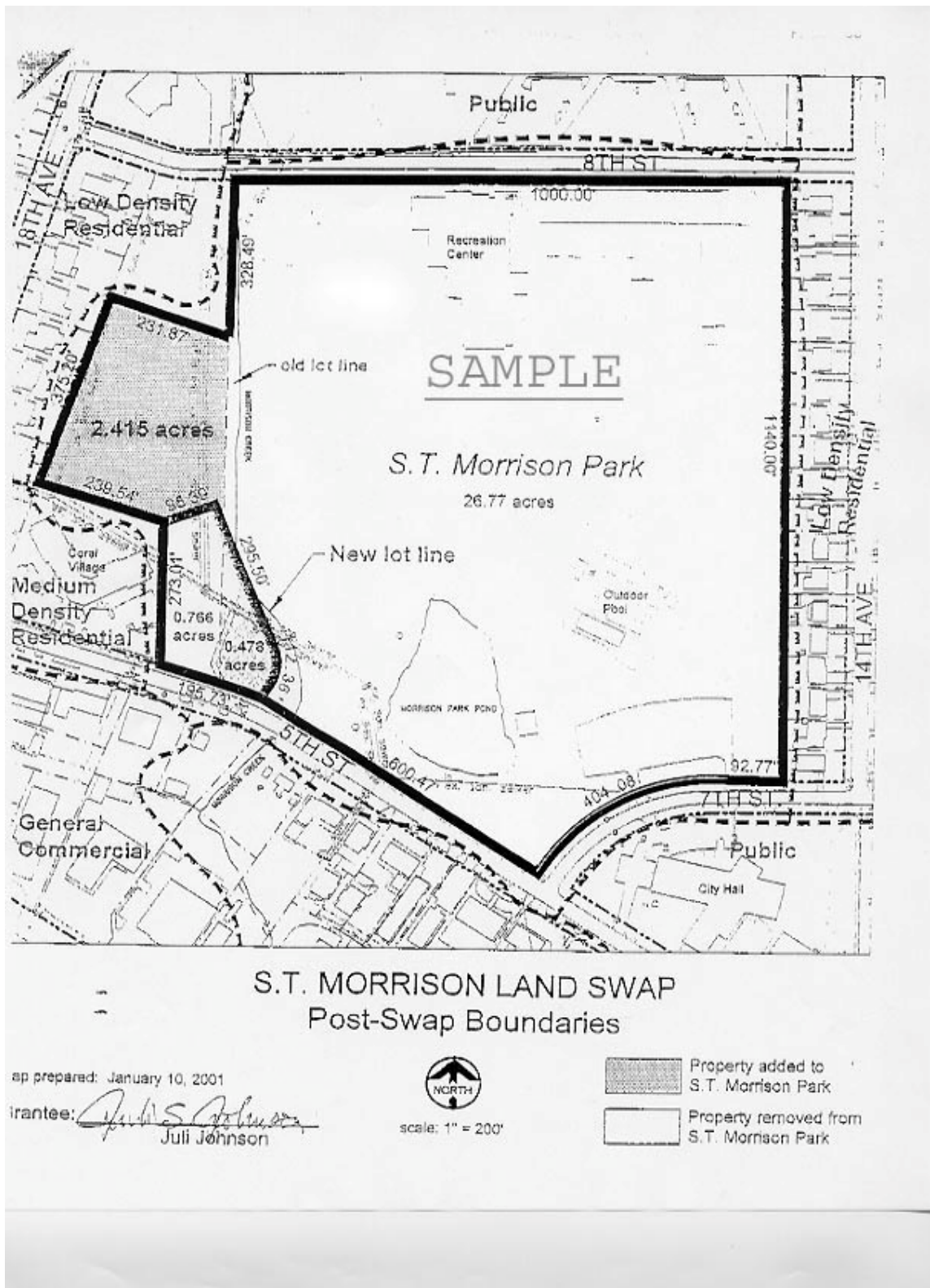
AUDITOR'S PARCEL 2000053:

A portion of the NE ¼, Section 6, Township 79 North, Range 6 West of the 5th Principal Meridian, Coralville, Iowa, lying within the parent realty conveyed in Book 800 - Page 338, Johnson County Recorder's Office, described as follows:

Commencing at the northeast corner of Section 6, Township 79 North, Range 6 West of the 5th Principal Meridian; thence west 1088.11 feet; thence north 25.96 feet to the northwest corner of Lot 6, Eckhoff Addition, an addition to Coralville, Iowa; thence N88°22'22"W, 1000 feet on the southerly line of Part One and Part Three, Valley View Heights Addition to Coralville, Iowa; thence S01°33'51"W, 784.80 feet; thence S02°06'24"W, 867.56 feet; thence S02°06'24"W, 328.49 feet to the Point of Beginning of Auditor's Parcel 2000053 herein described;

Thence S02°06'24"W, 357.14 feet; thence N21°37'47"W, 41.94 feet; thence S70°59'22"W, 98.39 feet; thence 70°48'07"W, 239.54 feet to the easterly line of Morrison Park Addition; thence N20°20'38"E, 375.20 feet to the southeast corner of Lot 3, Block 5 of said Morrison Park Addition; thence S89°39'22"E, 231.87 feet to the Point of Beginning.

Said Auditor's Parcel 2000053 contains 2.415 acres.



LAND AND WATER CONSERVATION FUND

PROJECT AGREEMENT GENERAL PROVISIONS**3/01****Part I - Definitions**

- A.** The term "NPS" or "Service" as used herein means the National Park Service, United States Department of the Interior.
- B.** The term "Director" as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.
- C.** The term "Manual" as used herein means the Land and Water Conservation Fund Grants Manual (NPS-34).
- D.** The term "project" as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the project agreement.
- E.** The term "State" as used herein means the State or Territory which is a party to the project agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State. For purposes of these provisions, the terms "State," "grantee," and "recipient" are deemed synonymous.
- F.** The term "Secretary" as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.

Part II - Continuing Assurances

The parties to the project agreement specifically recognize that the Land and Water Conservation Fund assistance project creates an obligation to maintain the property described in the project agreement consistent with the Land and Water Conservation Fund Act and the following requirements.

Further, it is the acknowledged intent of the parties hereto that recipients of assistance will use moneys granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the Federal cost-share, in a participant's outdoor recreation. It is intended by both parties hereto that assistance from the Fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

- A.** The State agrees, as recipient of this assistance, that it will meet the following specific requirements and that it will further impose these requirements, and the terms of the project agreement, upon any political subdivision or public agency to which funds are transferred pursuant to the project agreement. The State also agrees that it shall be responsible for compliance with the terms of the project agreement by such a political subdivision or public agency and that failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement.
- B.** The State agrees that the property described in the project agreement and the signed and dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of leased property. The Secretary shall approve such conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. This replacement land becomes subject to Section 6(f)(3) protection. The approval of a conversion shall be at the sole discretion of the Secretary, or his designee. Prior to the completion of this project, the State and the Director may mutually alter the area described in the project agreement and the signed and dated project boundary map to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded Section 6(f)(3) protection as Fund reimbursement is provided.

In the event the NPS provides Land and Water Conservation Fund assistance for the acquisition and/or development of property subject to reversionary interests with full knowledge of those reversionary interests, conversion of said property to other than public outdoor recreation uses as a result of such reversionary interest being exercised is approved. In receipt of this approval, the State agrees to notify the Service of the conversion as soon as possible and to seek approval of replacement

property in accord with the conditions set forth in these provisions. The State further agrees to effectuate such replacement within a reasonable period of time, acceptable to the Service, after the conversion of property takes place. The provisions of this paragraph are also applicable to: leased properties acquired and/or developed with Fund assistance where such lease is terminated prior to its full term due to the existence of provisions in such lease known and agreed to by the Service; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the Service.

- C. The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement. The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement.
- D. The State agrees to comply with the policies and procedures set forth in the Land and Water Conservation Fund Manual. Provisions of said Manual are incorporated into and made a part of the project agreement.
- E. The State agrees that the property and facilities described in the project agreement shall be operated and maintained as prescribed by Manual requirements.
- F. The State agrees that a permanent record shall be kept in the participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement, and the signed and dated project boundary map made part of that agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.
- G. Nondiscrimination
 - 1. By signing the LWCF agreement, the State certifies that it will comply with all Federal laws relating to nondiscrimination as outlined in the Civil Rights Assurance appearing at Part III-I herein.
 - 2. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the Manual.

Part III - Project Assurances

A. Applicable Federal Circulars

The State shall comply with applicable regulations, policies, guidelines and requirements including OMB Circular A-102 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior), A-87 (Cost Principles for State and Local Governments), and A-128 (Audits of State and Local Government) as they relate to the application, acceptance and use of Federal funds for this federally assisted project.

B. Project Application

- 1. The Application for Federal Assistance bearing the same project number as the agreement and associated documents is by this reference made a part of the agreement.
- 2. The State possesses legal authority to apply for the grant, and to finance and construct the proposed facilities. A resolution, motion or similar action has been duly adopted or passed authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the State to act in connection with the application and to provide such additional information as may be required.
- 3. The State has the ability and intention to finance the non-Federal share of the costs for the project. Sufficient funds will be available to assure effective operation and maintenance of the facilities acquired or developed by the project.

C. Project Execution

1. The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner in which event the project shall end on the date of completion or termination. For project elements added to a consolidated grant, the project period will begin on the date the project element is approved.
2. The State shall transfer to the project sponsor identified in the Application for Federal Assistance or the Description and Notification Form all funds granted hereunder except those reimbursed to the State to cover administrative expenses.
3. The State will cause work on the project to be commenced within a reasonable time after receipt of notification that funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.
4. The State will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480) and DOI Section 504 Regulations (43 CFR Part 17). The State will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
5. The State shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.
6. In the event the project covered by the project agreement, including future stages of the project, cannot be completed in accordance with the plans and specifications for the project; the State shall bring the project to a point of recreational usefulness agreed upon by the State and the Director or his designee.
7. The State will provide for and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the NPS may require.
8. The State will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.
9. The State will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution, and Executive Order 11990 relating to the protection of wetlands.
10. The State will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
11. The State will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20 and that it will notify the NPS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA. The State agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. The State further agrees to insert this clause into any contract or subcontract in excess of \$100,000.
12. The State will assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. The State will comply with Executive Order 12432, "Minority Business Enterprise Development as follows:
- (1) Place minority business firms on bidder's mailing lists.
 - (2) Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.
 - (3) Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms.
 - (4) For any project involving \$500,000 or more in grant assistance (except for projects involving acquisition only) the State or recipient shall submit, prior to the commencement of construction and every fiscal year quarter thereafter until project completion, reports documenting the efforts to hire minority business firms. These reports, SF 334, will be submitted one month following the end of each fiscal quarter (i.e., January 31, April 30, July 31, and October 31) to the appropriate National Park Service Regional Office.
 - (5) The Department of the Interior is committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

The National Park Service Regional Offices will work closely with the States to ensure full compliance and that grant recipients take affirmative action in placing a fair share of purchases with minority business firms.

14. The State will comply with the intergovernmental review requirements of Executive Order 12372.

D. Construction Contracted for by the State Shall Meet the Following Requirements:

1. Contracts for construction shall comply with the provisions of 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior).
2. No grant or contract may be awarded by any grantee, subgrantee or contractor of any grantee or subgrantee to any party which has been debarred or suspended under Executive Order 12549. By signing the LWCF agreement, the State certifies that it will comply with debarment and suspension provisions appearing at Part III-J herein.
3. In accordance with the "Stevens Amendment" (to Section 623 of the Treasury, Postal Service and General Government Appropriations Act), for procurement of goods and services (including construction services) having an aggregate value of \$500,000 or more, the amount and percentage (of total costs) of federal funds involved must be specified in any announcement of the awarding of a contract.

E. Retention and Custodial Requirements for Records

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained in accordance with 43 CFR Part 12 for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved.
2. The retention period starts from the date of the final expenditure report for the project or the consolidated project element.
3. State and local governments are authorized to substitute microfilm copies in lieu of original records.
4. The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audit, examination, excerpts and transcripts.

F. Project Termination

1. The Director may temporarily suspend Federal assistance under the project pending corrective action by the State or pending a decision to terminate the grant by the Service.
2. The State may unilaterally terminate the project or consolidated project element at any time prior to the first payment on the project or consolidated project element. After the initial payment, the project may be terminated, modified, or amended by the State only by mutual agreement.

3. The Director may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Director will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Service under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
4. The Director or State may terminate grants in whole, or in part at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the State for the Federal share of the noncancelable obligations, properly incurred by the grantee prior to termination.
5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the State and the Director or that all funds provided by the National Park Service be returned.

G. Lobbying with Appropriated Funds

The State must certify, for the award of grants exceeding \$100,000 in Federal assistance, that no Federally appropriated funds have been paid or will be paid, by or on behalf of the State, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding, extension, continuation, renewal, amendment, or modification of this grant. In compliance with Section 1352, title 31, U.S. Code, the State certifies, as follows:

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

H. Provision of a Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D), the State certifies, as follows:

The grantee certifies that it will or continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;*
- (2) The grantee's policy of maintaining a drug-free workplace;*
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and*

- (4) *The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;*
- (c) *Making it a requirement that each employee to be engaged in the performance of a grant be given a copy of the statement required by paragraph (a);*
- (d) *Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:*
- (1) *Abide by the terms of the statement; and*
 - (2) *Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;*
- (e) *Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;*
- (f) *Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted;*
- (1) *Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or*
 - (2) *Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;*
- (g) *Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).*

The State must include with its application for assistance a specification of the site(s) for the performance of work to be done in connection with the grant.

I. Civil Rights Assurance

The State certifies that, as a condition to receiving any Federal assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefitted from Federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United State shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and subrecipients and the person whose signature appears on the grant agreement and who is authorized to sign on behalf of the Applicant.

J. Debarment and Suspension

Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The State further agrees that it will include the clause "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions" appearing below in any agreement entered into with lower tier participants in the implementation of this grant. Department of Interior Form 1954 (DI-1954) may be used for this purpose.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this application that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this application.

In addition to applicable state and local laws, and regulations, the state, grantee and any contractors hired to construct a project for this agreement must comply with the following federal legislation:

1. Rehabilitation Act of 1973.
2. Americans with Disabilities Act of 1990.
3. National Environmental Policy Act of 1969 (P.L. 91-190).
4. Federal Water Pollution Control Act of 1972. 404 permit through Corps of Engineers.
5. Endangered Species Act of 1973 (P.L. 93-205).
6. Copeland Anti-Kickback Act. Construction projects must comply with this Act

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification**

Section III - General Provisions

Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of the Interior Form 1954 (DI- 1954). (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

CHECK__IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

CHECK__IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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March 1995
(This form consolidates DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK__IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

- A. The grantee certifies that it will or continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

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- (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).
- B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

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(This form consolidates DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

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PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

*CHECK__IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT;
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.*

*CHECK__IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.*

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

DATE

DI-2010
March 1995
(This form consolidates DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)